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AMENDMENTS/REMARKS

Claims 1 and 2 have been amended. Claims 1 through 13 and 15 through 20 remain in the application.

Claims 2 and 7 were rejected under 35 USC §112, 2nd Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claim 2 to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Therefore, it is respectfully submitted that claims 2 and 7, as amended, overcome the rejection under 35 USC §112, 2nd Paragraph, and are allowable over this rejection.

Claims 1 through 13 and 15 through 20 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,561,556 to Fuchs in view of U.S. Patent No. 5,165,148 to Fleischer, et al. Applicant respectfully traverses this rejection.

U.S. Patent No. 6,651,556 to Fuchs discloses a closure clamp.

U.S. Patent 5,165,148 to Fleischer, et al discloses a toggle clamp with locking mechanism.

In contradistinction, claim 1, as amended, claims a clamp having a base, a handle connected to the base and a pin rotatably supported within the handle. The clamp also includes a bracket secured to the pin wherein the bracket rotates with respect to the handle. The lever having an orifice through a surface, wherein one end of the bracket is arranged through the orifice. The clamp also includes a spring arranged between the handle and the pin.

The Fuchs '556 reference alone or in combination with the Fleischer, et al '148 reference does not disclose, suggest, teach or contemplate Applicant's invention as claimed in amended claim 1. In particular, neither reference discloses, teaches, suggests or contemplates a clamp

having a pin rotatably supported within a handle and a bracket secured to the pin wherein the bracket rotates with respect to the handle. Furthermore, neither reference discloses a spring arranged between the handle and the pin. Nowhere in either reference is it contemplated, suggested or taught to have a spring arranged between a pin rotatably supported within the handle and the handle itself. In fact, the Fuchs '556 reference does not even disclose, teach, suggest or even contemplate the use of a spring. The Fleischer, et al '148 reference nowhere suggests, teaches, contemplates or discloses the use of a spring arranged between the handle of a clamp and a pivot pin rotatably supported by that handle. Therefore, as neither of the references suggest, teach or contemplate the use of a spring arranged between a handle and a pin wherein the pin is rotatably supported by the handle, such a feature cannot be inferred into such references. It is not proper for the Examiner to state that it would be obvious to combine Fuchs and Fleischer, et al to create a clamp having such limitations therein without a specific teaching in either of the references for any such combination. Furthermore, it is improper for the Examiner to infer the limitation into a combination of references where there is no disclosure, teaching, or suggestion for such limitation in any of the references cited by the Examiner. The failure of any of the references to teach the use of a spring arranged between the handle and a pin rotatably supported by the handle in and of itself proves that such a limitation is not obvious and therefore is patentable. If this limitation was such an obvious limitation or well known in the art, it would have been mentioned in at least one of the prior art references cited by the Examiner. Furthermore, it is not proper for the Examiner to infer such limitations into the references in hindsight after first reviewing the Applicant's invention. Therefore, unless the Examiner can cite a specific teaching, disclosure or suggestion of such a limitation, this limitation cannot be inferred into such prior art references or as being obvious in the art or well known in the art.

Therefore, as there is no specific example, teaching or suggestion of these limitations mentioned in any of the prior art cited by the Examiner, any combination of these references cannot be used to create the clamp as claimed by Applicant in amended claim 1. Therefore, it is respectfully submitted that claim 1, as amended, and the claims dependent therefrom, overcome the rejection under 35 USC §103(a) and are allowable over this rejection.

Independent claims 11, 13 and 20 are allowable for the same reasons given above for independent claim 1. Therefore, it is respectfully submitted that claims 13 and 15 through 20 overcome the rejection under 35 USC §103(a) and are allowable over this rejection.

If Applicant may be of any further assistance or provide any other information in the prosecution of this application, the Examiner is requested to call the undersigned at (248) 364-2100.

Respectfully submitted,

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